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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
078700-020115

transmitted via facsimile only

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Signature

Typed or printed name Melissa Lusian

Application Number	Filed
09/680,608	October 4, 2000
First Named Inventor	
David C. Gelvin	
Art Unit	**Examiner**
2145	Mirza, Adnan M.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number 37,408
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature
Bruce T. Neel
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May 31, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David C. Gelvin	Examiner:	JACOBS, Lashonda T.
Serial No.	09/684,490	Group Art Unit:	2157
Filed:	October 4, 2000	Docket No.	078700-020111
Title:	APPARATUS FOR VEHICLE INTERNETWORKS		
Customer No.:	33717		

CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this correspondence and identified enclosures are being transmitted via facsimile only to the U.S. Patent and Trademark Office, Facsimile No. 571-273-8300 on May 31, 2007.

Melissa Lusian

REASONS FOR REQUEST FOR PANEL REVIEW

Mail Stop AF
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P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Pre-appeal brief conference review is appropriate when there are clear errors in the Examiner's review and/or the Examiner has omitted one or more essential elements needed for a prima facie rejection. Applicant believes that at least one of these conditions is present here.

Claims 1-9, 12-15, 17, 22-67, 69-74, 76-85 are pending in the application, claims 10, 11, 16, 18-21, 68, and 75 having been cancelled during prosecution. Claims 1, 76, 77, and 85 are the independent claims in this application. **Claims 1, 77, and 83-85 are included in the Appendix for convenient reference.**

The Examiner has rejected Applicant's independent claims 1, 76, 77, and 85 using an obviousness rejection citing U.S. Patent No. 5,734,699 (Lu) as a secondary reference. The Examiner offers Lu as teaching a real-time interface processor (RTIP) and an application processor, wherein the "RTIP performs real-time operations" and the "application processor performs high level processing functions" as recited in Applicant's independent claim 1. In the Final Office Action and the Advisory Action, the Examiner relies upon DSP 559 of Lu as teaching an "application processor" and upon real time processor 554 of Lu as teaching a "real-time interface processor".

In the sections of Lu cited by the Examiner in the Final Office Action (col. 20: lines 50-62 and col. 21: lines 44-60), Lu teaches DSPs (557, 559, 561, and 563) that operate in parallel to process real-time communications. RTP 554 performs real-time control of the DSPs, and also sends higher level protocols to CCPU 526 for processing.

The Examiner does not make any argument regarding how the DSPs perform high level processing functions and thus fails to provide an essential element of a prima facie case. Lu, on the other hand, teaches away from Applicant's claim 1 in that Lu teaches performing control functions using RTP 554. Thus, a person of ordinary skill would at most be taught to perform high level processing functions on RTP 554, and not on DSP 559 as argued by the Examiner.

Further, Lu teaches away by describing sending higher level protocols to CCPU 526 for processing. Thus, a person of ordinary skill would at most be taught to perform high level processing functions on CCPU 526 or RTP 554. The Examiner fails to argue how Lu teaches performing high level processing functions on DSP 559.

Independent claims 1, 76, 77, and 85 each recite similar high level processing functions. Therefore, the Examiner has failed to supply an essential element of a prima facie case for each of these claims.

Applicant's dependent claim 83 recites that "the at least one application processor is operable to access raw data from the at least one RTIP". The Examiner cites the same sections

from Lu mentioned above, which describe that real-time processor 554 controls the parallel DSPs. The Examiner fails to make any argument as to why one of ordinary skill would consider any of the DSPs to be accessing "raw data" from the real-time processor 554. Note that Applicant's specification on p. 42, line 31, mentions an example of raw data. Thus, the Examiner fails to provide an essential element for a prima facie case.

Applicant's dependent claim 84 recites that "the real-time operations of the at least one RTIP run below an operating system executed on the at least one application processor". The Examiner again cites the same sections of Lu, which describe real-time processor 554 as controlling the parallel DSPs. The Examiner does not provide any argument as to why one of ordinary skill would consider processor 554 to "run below an operating system executed" on any of the DSPs, which the Examiner asserts as showing an application processor, when it is processor 554 that Lu describes as being the controlling processor. Note that Applicant's specification on p. 42, lines 28-29, mentions an example of an application processor using an operating system. Thus, the Examiner here also fails to provide an essential element for a prima facie case.

It is respectfully submitted that the Examiner's rejections in the Final Office Action and his position in the Advisory Action are clearly erroneous and that the application is in condition for allowance.

Respectfully submitted,

Date: May 31, 2007

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APPENDIX

Selected Pending Claims for Reference

Claim 1 A mobile internetwork comprising a plurality of network elements including at least one gateway node and at least one local area network coupled among at least one peripheral electronic device, wherein functions of the plurality of network elements are remotely controllable, wherein the at least one gateway node manipulates node information including configuration and security information to provide secure interoperability among the plurality of network elements and the at least one peripheral electronic device, wherein the gateway node comprises at least one interface port, at least one real-time interface processor (RTIP), and at least one application processor, wherein the at least one RTIP performs real-time operations and the at least one application processor performs high level processing functions, wherein the gateway node provides at least one of data processing, data storage, access control, protocol translation, security including service discovery and device authentication, and network control, wherein the gateway node controls remote access to the mobile internetwork in response to intermittent external communications.

Claim 77 A network comprising a plurality of network elements including:

a gateway node;

a local area network coupled to the gateway node;

at least one peripheral electronic device coupled for communication with the gateway node using the local area network; and

wherein:

the gateway node comprises at least one interface port, at least one real-time interface processor (RTIP), and at least one application processor;

the at least one RTIP performs real-time operations;

the at least one application processor performs high level processing functions; and

the at least one RTIP is coupled between the at least one interface port and the at least one application processor.

Claim 83 The network of claim 77, wherein the at least one application processor is operable to access raw data from the at least one RTIP.

Claim 84 The network of claim 77, wherein the real-time operations of the at least one RTIP run below an operating system executed on the at least one application processor.

Claim 85 A gateway node configured to couple to a plurality of network elements, wherein the plurality of network elements includes a local area network and at least one peripheral electronic device coupled to the local area network, the gateway node comprising:

at least one interface port to receive data packets;

at least one real-time interface processor operable to perform real-time operations on the data packets; and

at least one application processor operable to perform high level processing functions, wherein the at least one real-time interface processor is coupled between the at least one interface port and the at least one application processor.